IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 15271 of 2004

Between:

Sri V. Venkatesh S/o V. Tayappa
N.R. Shop No. 626 (atached 621)

Asbestos Colony, Kukatpally, Balanagar ASO
Circle-I Ranga Reddy District. **..... PETITIONER**

AND

The Assistant Supply Officer,

Circle-I, Balanagar,

Balanagar X Roads, RR District. **.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus, directing the respondents declaring the action of the respondent for non supply of Kerosene oil to the existing dealer where his licence is neither suspended nor cancelled basing on the report which was filed by the Inspector without conducting proper enquiry, issuing notice for explanation is illegal, without jurisdiction null and void and violative of principles of natural justice, and consequently direct the respondents to release the seized stock to distribute the same to the cardholders as usual.

Counsel for the Petitioner: MR.BOLLAM LINGAIAH YADAV

Counsel for the Respondent: GP FOR CIVIL SUPPLIES

The Court made the following :

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ORDER:

Heard learned Counsel for the petitioner and also the learned Assistant Government Pleader for respondent.

Petitioner was appointed as a nominated retail shop dealer for distribution of Kerosene oil to the cardholders. While so, the shop of the petitioner was inspected by the Enforcement Officer basing on the news published in Andhra Jyothi on 24-8-2004 under the caption the “Kerosene black market”. After verification of the records, he seized the stock of 62 litres of Kerosene oil available with the petitioner and handed over the same to the neighbouring dealer for the purpose of custody. Though the authorization was valid up to December, 2005, petitioner was not permitted to distribute Kerosene oil for the further months In view of the same, learned Counsel for the petitioner contends that unless the petitioner’s authorization is suspended or cancelled by issuing show cause notice calling for explanation from the petitioner and enquiry is conducted, the respondent cannot deny stocks to the petitioner.

Admittedly the writ petition is filed on the very next day of seizure and cannot complain delay in initiation of confiscation proceedings and for cancellation of dealership. Having regard to the facts and circumstances of the case, once the respondent seized the entire stock, he is under obligation to proceed with the enquiry by issuing a show cause notice calling for explanation from the petitioner.

Writ Petition is accordingly disposed of directing the respondent to complete the enquiry within a period of two months from the date of receipt of a copy of this order and pass appropriate orders thereon. Pending completion of the enquiry, the respondent shall also consider the request of the petitioner for supply of Kerosene oil, if permissible under law. No costs.

26-8-2004

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Copy to:

1.The Assistant Supply Officer,

Circle-I, Balanagar,

Balanagar X Roads, RR District.

2.Two CCs to the G.P. for Civil Supplies,

High Court Buildings, High Court of A.P.,

Hyderabad.(O.U.T)

3.Two CD copies.